

REMARKS

Claims 1, 2 and 6 are pending in the application, and are rejected. Claim 1 is herein amended. Claim 6 is herein canceled.

Claim Rejections under 35 U.S.C. §112

Claim 6 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner asserts that the description in claim 6 of the “curved inner surface of the second wall” is not supported by the specification.

Applicants herein cancel this claim.

Claim Rejections 35 U.S.C. §102

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,556,722 to Narukawa et al.

Applicants herein amend the claims, and subsequently disagree with the rejection. Applicants believe that the Examiner is misinterpreting the present invention, and is therefore incorrect about Narukawa et al. However, Applicants note that the claim does not appear to clearly specify an important element of the invention.

Applicants submit that the invention requires one side of the battery case to include a front and a back, a top, a bottom, and two sides that define a battery case having an inside, and importantly, convex portion on the front wall that protrudes into the inside of the battery case. The top of the convex portion is curved so that the distance from the recessed portion to the top of the battery case is less at a horizontal center between said sides than at a point nearer to either of the sides. This is consistent with Figures 2 and 3.

Applicants herein clarify the claim to clearly define the six surfaces of the battery case, and to clearly define both the recessed portion of the front wall, as well as the curved upper area of the recessed portion. As amended herein, the claim includes, “a battery case containing said positive and negative electrode, comprising:

~~a plurality of walls forming the battery case with each wall of the plurality of walls having an inner surface and a flat outer surface~~ a front wall, a back wall, and two parallel side walls perpendicular to and connecting said front wall and said back wall, said walls surrounding an inside of said battery case having a top and a bottom,

~~wherein the inner surface of one wall of the plurality of walls has a curved surface in which a center portion of said one wall of the plurality of walls is thinner than any other portion of said one wall~~ a portion of said front wall is recessed and protrudes into the inside of said battery case, and wherein said recessed portion is curved so that the distance from said recessed portion to the top of said battery case is less at a horizontal center between said sides than at a point horizontally nearer to either of said sides.

With this clarification in mind, Applicants disagree with the Examiner’s rejection, because Narukawa et al. does not include all the limitations of the amended claim 1. Applicants note that Narukawa does not include a recessed portion on a front wall that protrudes into the inside of the battery box. Moreover, Narukawa et al. does not include the specifically claimed recessed portion that is curved so that the distance from said recessed portion to the top of the battery case is less at a horizontal center between the sides than at a point horizontally nearer to either of the sides. Therefore, Applicants submit that the cited reference does not teach or suggest all of the limitations of the claimed invention.

Response under 37 C.F.R. §1.111
Attorney Docket No. 001552
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In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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